

The bill amends Section 30-14-1.1, providing that a person who enters upon the lands of another when such lands are posted against trespass is guilty of a misdemeanor. The current statutory language requires posting at every roadway or apparent way of access.

The Act amends Section 30-14-6 NMSA, providing that sufficient notice that entry is forbidden without permission consists of:

- Written communication by the owner, lessee, or other designated individuals;
- Fencing or other enclosure obviously designed to exclude intruders or to contain livestock;
- A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to one's attention, indicating entry is forbidden;
- The placement of orange paint marks on trees or posts on the property, provided that, among other requirements, the marks are placed at locations that are readily visible to any person approaching the property and not more than 500 feet apart on forest land, and 1,000 feet apart on land other than forest land.

Significant Issues

The bill broadens the definition of sufficient notice that entry is forbidden, eliminating the present notice requirements and establishing new ones. The current statute places a significant burden on landholders, as it requires that signs be posted at every roadway or apparent way of access indicating the existence of private property. The bill eliminates this requirement.

AOC indicates the provisions of the bill are likely to affect children more than adults.

FISCAL IMPLICATIONS

AOC notes that the bill will likely prompt an increase in cases involving criminal trespass, meaning that costs will likely increase for courts, PDD and district attorneys.

The Corrections Department (CD) notes that the bill may prompt a slight increase in costs, as more people will likely serve probation for this crime. CD notes that the probation fees generated from these convictions will probably not offset the increased costs.

DUPLICATES

Duplicates SB 737.

TECHNICAL ISSUES

AOC notes that the bill does not detail the type and condition of fencing sufficient to provide notice of potential trespass upon entry.

AOC recommends amending the language contained in Section 1(B) relating to written communication to refer to the "...written communication **of** the owner..."

JCF/njw:yr